

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Case No. 3:08-cr-175  
also 3:11-cv-299

Plaintiff,

-v-

Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

JEREMY E. LEWIS,

Defendant.

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**ENTRY AND ORDER OVERRULING LEWIS'S OBJECTIONS (Doc. #171) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #168); OVERRULING LEWIS'S OBJECTIONS (Doc. #172) TO THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #170); ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS IN THEIR ENTIRETY; DENYING LEWIS'S MOTION FOR RELIEF FROM JUDGMENT (Doc. #167); CERTIFYING THAT AN APPEAL OF THIS JUDGMENT WOULD BE OBJECTIVELY FRIVOLOUS AND DENYING A CERTIFICATE OF APPEALABILITY.**

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This case is before the Court on Defendant Jeremy E. Lewis's ("Lewis's") Motion for Relief from Judgment under Fed. R. Civ. P. 60(b). (Doc. #167.) Lewis filed a § 2255 Motion To Vacate on August 23, 2011, and the District Judge dismissed this §2255 Motion with prejudice on August 26, 2011, because it was barred by the statute of limitations. (Doc. #127.) Lewis now seeks relief from this dismissal of his § 2255 Motion.

On June 21, 2012, Magistrate Merz issued a Report and Recommendations recommending that Lewis's Motion for Relief from Judgment be denied, that any request for a certificate of appealability be denied and that the Court certify to the Sixth Circuit that any appeal would be objectively frivolous. (Doc. #168.) On June 22, 2012, Lewis filed a

supplemental Motion for Relief from Judgment raising new arguments. On June 25, 2012, Magistrate Merz issued a Supplemental Report and Recommendations addressing these new arguments and continuing to recommend that Lewis's Motion for Relief from Judgment be denied. (Doc. #170.)

Lewis then objected (doc. #171) to the Report and Recommendations and to the Supplemental Report and Recommendations (doc. #172). The time has run and the United States of America has not responded to Lewis's objections. Lewis's objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Lewis's Objections to the Magistrate Judge's Report and Recommendations and Lewis's Objections to the Supplemental Report and Recommendations regarding Lewis's Motion for Relief from Judgment are not well-taken, and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations regarding Lewis's Motion for Relief from Judgment are adopted in their entirety. Lewis's Motion for Relief from Judgment (doc. #167) is denied. Further, Lewis is denied any requested Certificate of Appealability of the denial of his Motion for Relief from Judgment and any appeal thereof would be objectively frivolous.

**DONE** and **ORDERED** in Dayton, Ohio, this Twenty-Fourth Day of July, 2012.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Jeremy E. Lewis at his last known address of record